

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PAMELA R. HARRIS
728 Bettes Avenue
Akron, Ohio 44310

Plaintiff,

-vs-

CITY OF AKRON, OHIO
c/o EVE V. BELFANCE, LAW DIRECTOR
161 South High Street, Suite 202
Akron, Ohio 44308

Defendant.

) Case No.
)
) Judge
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) **COMPLAINT**
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) (Jury Demand Endorsed Hereon)
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Now comes Plaintiff Pamela R. Harris, by and through counsel, and for her Complaint states as follows:

INTRODUCTION

This is an action for race and gender discrimination pursuant to 42 U.S.C. §2000(e) *et seq.* (Title VII of the Civil Rights Act of 1964), as amended and O.R.C. 4112.01 *et seq.*

JURISDICTION

The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 and 28 U.S. C. § 1343.

BACKGROUND

1. At all times relevant to this Complaint, Plaintiff was a resident of Summit County and an employee of the City of Akron (the “City”), an Ohio municipal corporation, an employer within the meaning of Title VII, 42 U.S. C. §2000e, *et seq.* and O.R.C. 4112.01, *et seq.*

2. Ms. Harris is an African-American female expressly authorized to bring this action under 42 U.S.C. §2000e *et seq.* and O.R.C. 4112.01, *et seq.*

3. Ms. Harris worked for the City of Akron from 1994 until March 12, 2017, first as a Temporary employee and beginning in 2015, as a Seasonal employee in the Highway Maintenance Division.

STATEMENT OF CLAIMS

Conditions Precedent

4. More than 30 days prior to the institution of this lawsuit, Ms. Harris filed a Charge with the Equal Employment Opportunity Commission, (the “EEOC”), alleging a violation of Title VII by the City.

5. On March 5, 2015, Ms. Harris filed the charge attached to this Complaint as Exhibit A with the Ohio Civil Rights Commission (the “OCRC”), referred by the OCRC to the EEOC for investigation and processing.

6. On December 18, 2017, Ms. Harris received notice from the EEOC of her right to pursue a private action under 42 U.S.C. §2000e, *et seq.* A copy of the Notice is attached to this Complaint as Exhibit B.

7. Ms. Harris timely files this Complaint within the statutory ninety (90) day time period. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT THE CLAIM FOR RELIEF

8. Plaintiff incorporates by reference Paragraphs 1 through 7 as if fully restated herein.

9. Since at least 2012, the City has engaged in unlawful employment practices in violation of 42 U.S.C. §2000e, *et seq.* and O.R.C. 4112.01, *et seq.*, exemplified by its failure to

promote Ms. Harris in accord with her eligibility and test results and failure to place her in a permanent position, a promotion and pay increase while awarding the promotion and pay increase to a less qualified Caucasian male, because of Ms. Harris' race and sex.

10. In approximately June 2014, Ms. Harris applied for a Permanent Landscaper position which was posted. Ms. Harris had been performing the job on Seasonal and Temporary bases since 1994. Although she scored at the top on the written and performance tests she was not awarded the position

11. Although she was considered for the position and met the stated qualifications, on or about September 15, 2014, the promotion was given to a Caucasian male with less experience.

12. As a direct and proximate result of Defendant's actions, Plaintiff suffered damages in an amount to be determined at trial along with other reasonably anticipated results including anxiety and emotional effects.

COUNT ONE
(Race Discrimination in Violation of Title VII)

13. Plaintiff incorporates by reference Paragraphs 1 through 12 as if fully restated herein.

14. The actions and practices of the City as described were intentional and violated Ms. Harris' right to be free of discrimination due to her race.

COUNT TWO
(Gender Discrimination in Violation of Title VII)

15. Plaintiff incorporates by reference Paragraphs 1 through 14 as if fully restated herein.

16. The actions and practices of the City as described were intentional and violated Ms. Harris' right to be free of discrimination due to her gender.

COUNT THREE
(O.R.C. 4112.01, *et seq.*)

17. Plaintiff incorporates by reference Paragraphs 1 through 16 as if fully restated herein.

18. The actions of the City, as alleged, violate the provisions of the Ohio Revised Code Chapter 4112, in particular, Section 4112.02(A).

WHEREFORE, Plaintiff respectfully requests that this Court award damages to her and against Defendant in excess of \$25,000.00, including all statutory damages, compensatory damages, attorney fees, costs of court, pre- and post-judgment interest, and all other relief, whether in law or in equity, which will fully and fairly compensate Plaintiff for her injuries and damages.

/s/ Nancy C. Schuster
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Counsel for Plaintiff Pamela R. Harris

JURY DEMAND

Plaintiff demands a trial by jury in the above entitled action.

/s/ Nancy C. Schuster
NANCY C. SCHUSTER #0020690

Counsel for Plaintiff Pamela R. Harris